

House Engrossed

State of Arizona
House of Representatives
Forty-fifth Legislature
Second Regular Session
2002

CHAPTER 141

HOUSE BILL 2235

AN ACT

AMENDING SECTION 49-1203, ARIZONA REVISED STATUTES; RELATING TO THE WATER
INFRASTRUCTURE FINANCE AUTHORITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 49-1203, Arizona Revised Statutes, is amended to
3 read:

4 49-1203. Powers and duties of authority; definition

5 A. The authority is a corporate and politic body and shall have an
6 official seal that shall be judicially noticed. The authority may sue and
7 be sued, contract and acquire, hold, operate and dispose of property.

8 B. The authority, through its board, may:

9 1. Issue negotiable water quality bonds pursuant to section 49-1261
10 for the following purposes:

11 (a) To generate the state match required by the clean water act for
12 the clean water revolving fund and to generate the match required by the safe
13 drinking water act for the drinking water revolving fund.

14 (b) To provide financial assistance to political subdivisions, Indian
15 tribes and eligible drinking water facilities for constructing, acquiring or
16 improving wastewater treatment facilities, drinking water facilities,
17 nonpoint source projects and other related water quality facilities and
18 projects.

19 2. Provide financial assistance to political subdivisions and Indian
20 tribes from monies in the clean water revolving fund to finance wastewater
21 treatment projects.

22 3. Provide financial assistance to drinking water facilities from
23 monies in the drinking water revolving fund to finance these facilities.

24 4. Guarantee debt obligations of, and provide linked deposit
25 guarantees through third party lenders to:

26 (a) Political subdivisions that are issued to finance wastewater
27 treatment projects.

28 (b) Drinking water facilities that are issued to finance these
29 facilities.

30 5. Provide linked deposit guarantees through third party lenders to
31 political subdivisions and drinking water facilities.

32 6. Apply for, accept and administer grants and other financial
33 assistance from the United States government and from other public and
34 private sources.

35 7. Enter into capitalization grant agreements with the United States
36 environmental protection agency.

37 8. Adopt rules pursuant to title 41, chapter 6 governing the
38 application for and awarding of wastewater treatment facility, drinking water
39 facility and nonpoint source project financial assistance under this article,
40 the administration of the clean water revolving fund and the drinking water
41 revolving fund and the issuance of water quality bonds.

42 9. Hire a director and staff for the authority.

43 10. Contract for the services of outside advisors, attorneys,
44 consultants and aides reasonably necessary or desirable to allow the
45 authority to adequately perform its duties.

1 11. Contract and incur obligations as reasonably necessary or desirable
2 within the general scope of authority activities and operations to allow the
3 authority to adequately perform its duties.

4 12. Assess financial assistance origination fees and annual fees to
5 cover the reasonable costs of administering the authority and the monies
6 administered by the authority. Any fees collected pursuant to this paragraph
7 constitute governmental revenue and may be used for any purpose consistent
8 with the mission and objectives of the authority.

9 13. Perform any function of a fund manager under the CERCLA Brownfields
10 cleanup revolving loan fund program as requested by the department. The
11 board shall perform any action authorized under this article on behalf of the
12 Brownfields cleanup revolving loan fund program established pursuant to
13 chapter 2, article 1.1 of this title at the request of the department. In
14 order to perform these functions, the board shall enter into a written
15 agreement with the department.

16 14. Provide grants, staff assistance or technical assistance in the
17 form of loan repayment agreements and other professional assistance to
18 political subdivisions, ANY COUNTY WITH A POPULATION OF LESS THAN FIVE
19 HUNDRED THOUSAND PERSONS, Indian tribes and community water systems in
20 connection with the development or financing of wastewater, drinking water,
21 water reclamation or related water infrastructure. Assistance provided under
22 a technical assistance loan repayment agreement shall be in a form and under
23 terms determined by the authority and shall be repaid not more than three
24 years after the date that the monies are advanced to the applicant. The
25 provision of technical assistance by the authority does not create any
26 liability for the authority or this state regarding the design, construction
27 or operation of any infrastructure project.

28 C. The board shall deposit, pursuant to sections 35-146 and 35-147,
29 any monies received pursuant to subsection B, paragraph 6 of this section in
30 the appropriate fund as prescribed by the grant or other financial assistance
31 agreement.

32 D. Disbursements of monies by the water infrastructure finance
33 authority pursuant to a financial assistance agreement are not subject to
34 title 41, chapter 23.

35 E. For purposes of this section, "CERCLA" has the same meaning
36 prescribed in section 49-201.

APPROVED BY THE GOVERNOR MAY 6, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 7, 2002.

Passed the House April 8, 2002,

by the following vote: 41 Ayes,

9 Nays, 10 Not Voting

[Signature]
Speaker of the House

Norman L. Moore
Chief Clerk of the House

Passed the Senate April 30, 2002,

by the following vote: 27 Ayes,

0 Nays, 3 Not Voting

[Signature]
President of the Senate

Charmine Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

30 day of April, 2002,

at 2:30 o'clock P M.

[Signature]
Secretary to the Governor

Approved this 6th day of

May, 2002,

at 3:27 o'clock P M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 7 day of May, 2002,

at 3:13 o'clock P M.

[Signature]
Secretary of State

H.B. 2235